

ASSEMBLY BILL

No. 1875

Introduced by Assembly Member Maldonado

February 3, 2004

An act to amend Sections 3526, 3529, 3531, 3533, 3534, and 3538 of the Government Code, relating to state employees.

LEGISLATIVE COUNSEL'S DIGEST

AB 1875, as introduced, Maldonado. State employees.

The existing Bill of Rights for State Excluded Employees prescribes various rights and terms and conditions of employment for excluded employees, defined as certain supervisory, managerial, and confidential employees. That law contains provisions relating to participation by supervisory employees in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions.

This bill would specify that all excluded employees are included within those provisions relating to participation in employee organizations for purposes of representation when meeting and conferring with respect to employment conditions. The bill would except confidential employees from a prohibition against holding office in an employee organization that represents nonexcluded employees. The bill would also revise a statement of the purpose of the Bill of Rights for State Excluded Employees.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3526 of the Government Code is amended to read:

3526. The purpose of this chapter is to inform state supervisory, managerial, confidential, and employees otherwise excepted from coverage under the Ralph C. Dills Act by subdivision (c) of Section 3513 of their rights and terms and conditions of employment, and to inspire dedicated service, *to recognize their important and fundamental roles in the management of state government*, and to promote harmonious personnel relations among those representing state management in the conduct of state affairs.

SEC. 2. Section 3529 of the Government Code is amended to read:

3529. (a) Except for supervisory employees as defined in subdivision (g) of Section 3513, *and confidential employees as defined in subdivision (f) of Section 3513*, excluded employees shall not hold any office in an employee organization ~~which~~ *that* also represents nonexcluded employees.

(b) Excluded employees shall not participate in the handling of grievances on behalf of nonexcluded employees. Nonexcluded employees shall not participate in the handling of grievances on behalf of excluded employees.

(c) Excluded employees shall not participate in meet and confer sessions on behalf of nonexcluded employees. Nonexcluded employees shall not participate in meet and confer sessions on behalf of supervisory employees.

(d) The prohibition in subdivisions (b) and (c) shall not apply to the paid staff of an excluded or supervisory employee organization.

(e) Excluded employees shall not vote on questions of ratification or rejection of memoranda of understanding reached on behalf of nonexcluded employees.

SEC. 3. Section 3531 of the Government Code is amended to read:

3531. Supervisory *and excluded* employees shall have the right to form, join, and participate in the activities of supervisory employee organizations of their own choosing for the purpose of representation on all matters of supervisory *and excluded*

1 employer-employee relations, as set forth in Section 3532.
2 Supervisory *and excluded* employees also shall have the right to
3 refuse to join or participate in the activities of supervisory
4 employee organizations and shall have the right to represent
5 themselves individually in their employment relations with the
6 public employer.

7 SEC. 4. Section 3533 of the Government Code is amended to
8 read:

9 3533. Upon request, the state shall meet and confer with
10 verified supervisory *and excluded* employee organizations
11 representing supervisory *or excluded* employees. "Meet and
12 confer" means that they shall consider ~~as fully as the employer~~
13 ~~deems reasonable such~~ presentations ~~as that~~ are made by the
14 verified ~~supervisory excluded employee organization~~
15 ~~organizations~~ on behalf of ~~its supervisory~~ *their* members prior to
16 arriving at a determination of policy or course of action.

17 SEC. 5. Section 3534 of the Government Code is amended to
18 read:

19 3534. The state employer shall allow a reasonable number of
20 supervisory *or excluded* public employee representatives of
21 verified supervisory *or excluded* employee organizations
22 reasonable time off without loss of compensation or other benefits
23 when meeting and conferring with representatives of the state
24 employer on matters within the scope of representation for
25 supervisory *or excluded* employees.

26 SEC. 6. Section 3538 of the Government Code is amended to
27 read:

28 3538. The state employer and excluded employee
29 organizations shall not interfere with, intimidate, restrain, coerce,
30 or discriminate against supervisory *or excluded* employees
31 because of their exercise of their rights under this article.

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